

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FALCON AUTO REPAIR
A New Mexico sole proprietorship,

Plaintiff,

vs.

CIV 13-0509 KBM/RHS

TRAVELER'S CASUALTY INSURANCE
COMPANY OF AMERICA
A Minnesota corporation,

Defendant.

ORDER DENYING MOTION TO BIFURCATE TRIAL

THIS MATTER is before the Court on Defendant's Motion to Bifurcate (*Doc.27*). Magistrate Judge Scott previously denied the motion to the extent it requested a stay of discovery as to the extra-contractual claims. I agree wholeheartedly with his analysis and concur in the result that he reached. At this point, I also am inclined to deny the motion to bifurcate the claims at trial, but believe that decision is best left to the future when Defendant's allegations of undue prejudice in the absence of bifurcation can be addressed not in the abstract, but on a concrete record shortly before trial.

Wherefore,

IT IS HEREBY ORDERED that Defendant's Motion to Bifurcate the Trial is **denied without prejudice**



Karen B. Molzen
U.S. Chief Magistrate Judge